IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 12225 of 2005

Between:

Sri Sk. Abdul Ghani, S/o. Shaik Abdul Sattar,
R/o. Islampet Narasaraopet, Guntur District.

..... PETITIONER

AND

1 The Southern Power Distribution Company of A.P. Ltd., rep. by its Managing Director, Tirupathi, Chittoor Dist.
2 The Assistant Divisional Engineer, Operation, APSPDCL, Narasaraopet, Guntur District.
3 The Divisional Engineer, Assessments, Vijayawada.
4 The Assistant engineer, Operation, narasaraopet, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the notice issued by the 2nd respondent in Lr.No. ADE/0/NRT/f.t./d.NO. 281/05 DT. 19.5.2005 as illegal arbitrary and unconstitutional as it is contrary to Sec. 126 of Electricity Act, 2003 and consequently set aside the same and direct the respondents to restore the power supply to the petitioenr's service connection bearing No. 544 forthwith and pass such other order or orders.

Counsel for the Petitioner: MR.K.SURESHREDDY

Counsel for the Respondents.: MR.M.SREERAMULU REDDY

The Court, at the stage of admission, made the following :

ORAL ORDER

Petitioner's commercial electricity supply for running a kichidi center in Narasaraopet, Guntur district was disconnected by the order of the 2nd respondent dated 19-05-2005 where under a provisional assessment determining an amount of Rs.2,08,869/- is made and calling upon the petitioner to pay half of the said provisional determined amount if he desired the reconnection of the disconnected supply.

The learned Standing Counsel for the respondent-APSPDCL is agreed that in view of the decision of the Division Bench of this Court in Writ Appeal No.452 of 2004 dated 11-03-2004, under Section 126 of the Electricity Act,2003 the consumer need not pay any amount covered under the provisional assessment order and only after final assessment is made that the actual liability of the same would arise.

In the circumstances, the writ petition is disposed of directing the respondents to forthwith restore the electricity supply to the petitioner. There shall be no order as to costs.

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GODA RAGHURAM,J

10TH JUNE 2005

*TSNR

TO

1. The Managing Director, Southern Power Distribution Company of A.P. Ltd., Tirupathi, Chittoor Dist.
2 The Assistant Divisional Engineer, Operation, APSPDCL, Narasaraopet, Guntur District.
3 The Divisional Engineer, Assessments, Vijayawada.
4 The Assistant engineer, Operation, Narasaraopet, Guntur District.
5. Two C.D.Copies.

Note: Append a copy of the order in W.A.No.452 of 2004, dated 11-03-2004.